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VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Judge
J. Caleb Boggs Federal Building
844 N. King Street, Lockbox 18
Wilmington, DE 19801

**Re: Biovail v. Andrx Pharmaceuticals LLC et al.,
C.A. No. 05-586 (GMS)**

Dear Chief Judge Sleet:

I am writing on behalf of Andrx with respect to Andrx's motion to strike an expert report (see DI 153, 154, 169 and 178), and the July 17 and 18 letters submitted by the parties on this subject (DI 193 and 194). Mindful of the Court's crowded docket, and the upcoming expert depositions, Andrx served today a brief, twelve page expert report, by one of its already designated experts, to respond to the positions taken in what we believe was a late report served by Biovail. As a result, we do not believe it will be necessary for the Court to rule on Andrx's pending motion. Instead, to the extent issues remain after expert discovery, subject to the direction of the Court, the parties can address those issues in the context of the pretrial conference and the bench trial.

Respectfully submitted,

/s/ Richard L. Horwitz

Richard L. Horwitz

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cc: Clerk of the Court (via Hand Delivery)
Counsel of Record (via Electronic Mail)